

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/585,566

Applicant: Moschel et al.

Filed: July 6, 2006

TC/AU: N/A

Examiner: N/A

Docket No.: 253443 (Client Reference No. E-274-2003/0-US-03)

Customer No.: 45733

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☐ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☒ A copy of PCT/US04/41577 International Search Report.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references.

In re Appln. of Moschel et al.
U.S. Patent Application No. 10/585,566

The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
- ☐ Charge Deposit Account No. 12-1216 in the amount of **\$180.00** (37 CFR 1.17(p)).
(A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Moschel et al.
U.S. Patent Application No. 10/585,566

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

- ☒ Credit Account No. 12-1216.
☐ Refund



Xavier Pillai, Reg. No. 39,799
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: August 29, 2006



Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/585,566
Filing Date	July 6, 2006
First Named Inventor	Moschel et al.
Group Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	253443
Client Reference No.	E-274-2003/0-US-03

Sheet 1 of 2

U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AA	5,091,430		Moschel et al.	Feb. 25, 1992	
	AB	5,352,669		Moschel et al.	Oct. 4, 1994	
	AC	5,358,952		Moschel et al.	Oct. 25, 1994	
	AD	5,525,606		Moschel et al.	Jun. 11, 1996	
	AE	5,654,307		Bridges et al.	Aug. 5, 1997	
	AF	5,691,307		Moschel et al.	Nov. 25, 1997	
	AG	5,753,668		Moschel et al.	May 19, 1998	
	AH	5,916,894		Moschel et al.	Jun. 29, 1999	
	AI	5,958,932		Moschel et al.	Sep. 28, 1999	
	AJ	6,096,724		McMurry et al.	Aug. 1, 2000	
	AK	6,172,070	B1	Moschel et al.	Jan. 9, 2001	
	AL	6,303,604	B1	Moschel et al.	Oct. 16, 2001	
	AM	6,333,331	B1	Moschel et al.	Dec. 25, 2001	
	AN	6,436,945	B2	Moschel et al.	Aug. 20, 2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AO	WO	97/20843	A1	Cancer Research Campaign Technology Limited	Jun. 12, 1997		

OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	AP	CHAE et al., <i>J. Med. Chem.</i> , 37 (3), 342-347 (1994)		
	AQ	CHAE et al., <i>J. Med. Chem.</i> , 38 (2), 359-365 (1995)		
	AR	DOLAN et al., <i>Proc. Natl. Acad. Sci. USA</i> , 87, 5368-5372 (1990)		
	AS	FRIEDMAN et al., <i>J. Clin. Oncol.</i> , 16 (11), 3570-3575 (1998)		
	AT	GRIFFIN et al., <i>J. Med. Chem.</i> , 43 (22), 4071-4083 (2000)		
	AU	KANUGULA et al., <i>Environ. Mol. Mutagen.</i> , 38, 235-243 (2001)		
	AV	LADINO et al., <i>Int. J. Cancer</i> , 73, 859-864 (1997)		
	AW	LEHBAUER et al., <i>Helvetica Chimica Acta</i> , 84(8), 2330-2342 (2001)		
	AX	LUU et al., <i>Biochemistry</i> , 41 (27), 8689-8697 (2002)		
	AY	MCELHINNEY et al., <i>J. Med. Chem.</i> , 41 (26), 5265-5271 (1998)		
	AZ	MIDDLETON et al., <i>Lancet Oncol.</i> , 4, 37-44 (2003)		
	BA	MOSCHEL et al., <i>J. Med. Chem.</i> , 35 (23), 4486-4491 (1992)		
	BB	NELSON et al., <i>J. Med. Chem.</i> , 47(15), 3887-3891 (2004)		

Examiner Signature

Date Considered

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

+

Substitute for form 1449A/B/PTO <h1>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h1> <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/585,566
				Filing Date	July 6, 2006
				First Named Inventor	Moschel et al.
				Group Art Unit	N/A
				Examiner Name	N/A
				Attorney Docket Number	253443
				Client Reference No.	E-274-2003/0-US-03
Sheet	2	of	2		

[illegible]

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).